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E.O. 12958: DECL: 05/14/2014
TAGS: [PREL](#) [SNAR](#) [ASEC](#) [PGOV](#) [CU](#)
SUBJECT: U.S. LEGAL TEAM SUCCESSFULLY CONDUCTS WITNESS
DEPOSITIONS IN CUBA

Classified By: CHG: James L Williams for reasons 1.4 (b) and (d)

¶1. (SBU) A team made up of prosecutors from the US Attorney's Office from the Southern District of Florida, public defenders assigned to the defendants in two criminal alien smuggling cases, a court reporter, videographer, two interpreters and two DHS/ICE agents traveled to Cuba May 6 to take court-ordered depositions from 10 Cuban citizens connected to the two smuggling cases.

¶2. (SBU) The GOC granted formal approval for the travel of the group, provided the team members with visas, and offered one of the Ministry of Interior's (MININT) "protocol houses" in the suburb of Siboney to hold the depositions. The GOC also undertook to find the 10 witnesses desired by the court. In the end, the GOC reported that two of the witnesses had once again departed for the U.S. and had apparently succeeded in their renewed attempt. Another was preparing for an interview with the Refugee Unit of the Interests Section, and declined to testify out of fear he would put his refugee status at risk. The remaining seven witnesses were brought to the protocol house in the order requested by the team. Space was provided in a separate area of the house for defense counsels to speak with the witnesses before they began their testimony. GOC officials told the team there would be no problem in their taking and recording testimony from the witnesses for as long as needed, and that the court reporter would be permitted to swear in the witnesses. MININT provided food and refreshments to the team, which dedicated two complete days (May 7-8) to taking the depositions. When they had completed their work, members of the team expressed satisfaction with the deposition-taking process.

¶3. (C) COMMENT: This is the first time in the memory of anyone presently at USINT that such a complete process of deposing witnesses has been carried out. The last time USG officials came to Cuba to take depositions was in 2007 when FBI personnel took depositions from Cuban citizens regarding the Posada-Carriles case. Both MININT and MINREX personnel who were present throughout the depositions were cordial and helpful to the team members and to USINT personnel who accompanied them. During the process, the GOC officials observed some fairly intense cross-examination of the witnesses by the attorneys on both sides. This provoked some conversation about the technical issues of the US judicial system between the MININT officers and, USINT and AUSA personnel.

¶4. (C) COMMENT CONTINUED: We are not sure why the GOC decided to be as cooperative as it was with this case. The GOC officers present certainly picked up some information about smuggling operations, and about how the USG prosecutes

smugglers that may be useful to them in the future. Whether this case signals a willingness to cooperate more with us on law enforcement issues, or establishes an upper limit on such cooperation remains to be seen, however.

WILLIAMS